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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,435	11/13/2000	Robert Allan Unger	50P4199	7705

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STEVEN L. NICHOLS
RADER, FISHMAN & GRAVER PLLC
10653 S. RIVER FRONT PARKWAY
SUITE 150
SOUTH JORDAN, UT 84095

EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 09/12/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/711,435

Applicant(s)

UNGER, ROBERT ALLAN

Examiner

HUY T NGUYEN

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilhelms (5,282,092).

Regarding claims 1, 11 and 17, Wilhelms discloses a personal video recorder (Fig. 1, column 2, lines 10-48) having a user-controlled data capture function, the recorder comprising: an input (3) for receiving an audiovisual signal and an output for outputting said audiovisual signal; a buffer (7) for buffering said audiovisual signal, said buffer retaining a portion of said audiovisual signal after that portion has been output by said recorder; a data storage unit; and a processor that receives input from a user input device; wherein, upon receipt of a user command input through said user input device, said processor records a segment of said audiovisual signal in said data storage unit, said segment of said audiovisual signal comprising: a first predetermined amount of said portion of said audiovisual signal retained in said buffer after that same portion has been output by said recorder (column 3, lines 10-35); and a second predetermined

amount of said portion of said audiovisual signal output by said recorder after receipt of said user command (column 3, lines 10 to column 4, line 37).

3. Claims 1-5,7-13, 15-19 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuroda et al (6,311,011).

Regarding claims 1, 11 and 17, Kuroda discloses a personal video recorder (Figs. 2,3) having a user-controlled data capture function, the recorder comprising: an input (102) for receiving an audiovisual signal and an output for outputting said audiovisual signal; a buffer (103) for buffering said audiovisual signal, said buffer retaining a portion of said audiovisual signal after that portion has been output by said recorder (column 5, lines 10-15); a data storage unit (105); and a processor (10) that receives input from a user input device; wherein, upon receipt of a user command input through said user input device, said processor records a segment of said audiovisual signal in said data storage unit, said segment of said audiovisual signal comprising: a first predetermined amount of said portion of said audiovisual signal retained in said buffer after that same portion has been output by said recorder; and a second predetermined amount of said portion of said audiovisual signal output by said recorder after receipt of said user command (column 5, lines 50-60).

Regarding claims 2 and 12, Kuroda further processor associates an identifying label with each said segment of said audiovisual signal recorded in said data storage unit (column 10, lines 30-45, Fig. 15).

Regarding claim 3,13 and 18, Kuroda further teaches said processor generates an index of segments of said audiovisual signal recorded in said data storage unit using

said identifying label of each said segment (column 9, lines 51-55, column 10, lines 30-45, Figs. 15 and 16).

Regarding claims 4 and 10, Kuroda teaches the use of a hard disc as the storage device and a disk drive for receiving removable data storage disks, wherein said processor transfers recorded segments from said data storage unit to said disk drive under control of said user input device (HDD, column 5, lines 25-40).

Regarding claims 5 and 19, Kuroda further teaches the user input device comprises a remote control unit and said recorder comprises a receiver for receiving input from said remote control unit (column 9, lines 15-25).

Regarding claim 7 and 20, Kuroda further teaches said processor records an indication with each segment of said audiovisual signal recorded in said data storage unit as to which remote control unit ordered recording of that segment (start time and channel information)(Figs. 15 and 16).

Regarding claims 8,9, 15, 16 and 21, Kuroda further teaches said first and second predetermined amounts are set by user input through said user input device and said second predetermined amount is determined by a length of time during which a user actuates a button on said user input device for issuing said user command since user direct set time length for recording the first segment and second segment (column 5).

Regarding claim 22, Kuroda further teaches means)106) for transmitting the audiovisual signal recorded in said data storage means from the recorder

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 6,14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroda in view of Official Notice .

Regarding claims 6,14 and 20, Kuroda fails to specifically teaches the use of a plurality of remote control units . However, it is noted that providing a plurality of remote control units derived the existing remote control unit is merely called for duplicate parts. Therefore, official notice is taken and it would have been obvious to one of ordinary skill in the art to provide the recorder of Kuroda with a plurality of remote control units that derived from the remote control units of Kuroda each of

which can issue the user command to said recorder thereby enabling a plurality of users can issue command to the recorder.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Proidl teaches a apparatus for de-fragmenting segments stored on a medium. Tognazzini teaches apparatus for recording a segment from a buffer on a medium.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 THE CENTER customer service whose telephone number is (703) 306-0377.

H.N


HUY T. NGUYEN
PRIMARY EXAMINER